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OFFICE OF PETITIONS

In re Application of :
Dong-Yang Lee : DECISION GRANTING PETITION
Application No. 10/676,232 :
Filed: October 1, 2003 :
Attorney Docket No. 5649-1146 :

This is a decision on the petition under 37 CFR 1.53(e), filed October 22, 2004, requesting that the above-identified application be accorded a filing date of October 1, 2003, with Figures 1 and 2 as part of the original disclosure.

On October 1, 2003, applicant deposited the above-identified application. On September 1, 2004, the Office of Initial Patent Examination mailed a "Notice Of Incomplete Nonprovisional Application," requiring drawings of applicant's invention and stating that the filing date would be the date of receipt of the omitted drawings.

In response, on September 1, 2004, applicant filed the present petition, and a copy of one sheet of drawings (Figures 1 and 2). Additionally, applicant submitted a copy of the date-stamped postcard receipt, acknowledging receipt of one sheet of drawings on October 1, 2003.

Upon review of the record, the one sheet of drawings (Figures 1 and 2) deposited on October 1, 2003, has not been located among the application papers. However, the evidence is convincing that the application papers deposited on October 1, 2003, included one sheet of drawings (Figures 1 and 2), which was subsequently misplaced in the United States Patent and Trademark Office. Therefore, the

application, including Figures 1 and 2, was complete on filing and will be granted a filing date of October 1, 2003.

Accordingly, the petition is granted. The requirement for drawings as set forth in the Notice of Incomplete was sent in error and is hereby vacated. The \$130.00 petition fee is unnecessary and will be refunded to Deposit Account No. 50-0220

The Office of Initial Patent Examination is directed to process the above-identified application with a filing date of October 1, 2003, using Figures 1 and 2 submitted on petition, and to mail a corrected filing receipt.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

Christina Y. Donnell

Christina Tartera Donnell
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